

PURPOSE

The purpose of this policy is to assure consistency across the Michigan Department of Health and Human Services (MDHHS) state operated facilities, hospitals and centers in the protection and promotion of the right of a recipient to receive treatment by spiritual means.

REVISION HISTORY

This policy has not been updated since original publication effective date of May 16, 2010.

DEFINITIONS

Provider for purposes of this policy means a MDHHS operated hospital or center or an entity under contract to a MDHHS hospital or center.

Treatment by spiritual means a spiritual discipline or school of thought upon which a recipient wishes to rely to aid physical or mental recovery and includes easy access, at the recipient's expense, to printed, recorded or visual material essential or related to treatment by spiritual means and to a symbolic object of similar significance.

POLICY

A recipient in a MDHHS operated hospital/center shall have the right to treatment by spiritual means.

STANDARDS

1. A recipient shall be permitted to have access to treatment by spiritual means upon request, or upon the request of the guardian, if any, or parent of a minor recipient.
2. Opportunity for contact with agencies providing treatment by spiritual means shall be permitted to recipients at any reasonable time.
3. Treatment by spiritual means includes the right of recipients, guardians or parents of a minor to refuse medication or other treatment on spiritual grounds which predate the current allegations of mental illness or disability, but does not extend to circumstances where either:

- a. A guardian or the provider has been empowered by a court to consent or to provide treatment and has done so.
 - b. A recipient is presently dangerous to self or others and treatment is essential to prevent physical injury.
4. The right to treatment by spiritual means does not include the right:
 - a. To use mechanical devices or chemical or organic compounds which are physically harmful.
 - b. To engage in an activity prohibited by law.
 - c. To engage in an activity which physically harms the recipient or others.
 - d. To engage in an activity which is inconsistent with court-ordered custody or voluntary placement by a person other than the recipient.
5. A hospital or center shall establish a mechanism for recourse to court proceedings when there is a refusal of medication or other treatment for a minor.
6. A hospital and center shall provide notice to the requesting person of a denial of a request and the reasons for denial.
7. A request for access to treatment by spiritual means will only be denied for reasons specified in subsections 3. and 4.
8. A hospital and center shall establish a procedure for administrative review or appeal of a denial of treatment by spiritual means. That procedure shall be submitted to the Office of Recipient Rights (ORR) for review and approval.
9. Documentation in the record of a recipient who requests treatment by spiritual means will include the following:
 - a. Identity of the individual making the request.
 - b. Nature of the request.
 - c. Date request was made.
 - d. Specific reasons for denial of request, if any.
 - e. Date and manner in which notice of denial was provided.
 - f. The date and results of administrative review or appeal of denial, if applicable.

REFERENCES

- Michigan Mental Health Code, MCL 330.1752
- MDHHS Administrative Rule 330.7135

CONTACT

For additional information concerning this policy, contact the Director of the Office of Recipient Rights at (517) 373-2319.